

## MANSFIELD TOWNSHIP COMMITTEE MEETING

October 13, 2021

This is a regular meeting of the Mansfield Township Committee. The notice requirements of the law have been satisfied for this meeting by notice to the Express Times-NJ Zone of the time, date and location thereof. Notice was also posted on the announcement board located in the Municipal Building.

Roll Call: Mr. Hayes, Mrs. Mora Dillon, Mayor Watters

Salute to the flag was done by all.

### **APPROVAL OF THE MINUTES**

Mr. Hayes made a motion to approve the minutes from the Regular Session from the September 22, 2021, which was seconded by Mrs. Mora Dillon.

Ayes: Mr. Hayes, Mrs. Mora Dillon, Mayor Watters

Nays: None

Absent: Mr. McGuinness, Mr. Farino

Abstain: None

Mr. Hayes made a motion to approve the minutes from the Executive Session that was held on September 22, 2021, which Mrs. Mora Dillon.

Ayes: Mr. Hayes, Mrs. Mora Dillon, Mayor Watters

Nays: None

Absent: Mr. McGuinness, Mr. Farino

Abstain: None

### **BILL LIST**

Mrs. Mora Dillon made a motion to approve the October 13, 2021 Bill List, which was seconded by Mr. Hayes.

Mayor Watters asked about the payment listed on page 12, second for bottom, to Clear Spann fabric which Mrs. Mollineaux explained was an escrow refund.

Ayes: Mr. Hayes, Mrs. Mora Dillon, Mayor Watters

Nays: None

Absent: Mr. McGuinness, Mr. Farino

Abstain: None

### **PRESENTATION**

Certificate of Appreciation for Blue Bird Box Monitoring at Caferatta Park

Certificates were presented to Jason, Nathan, Shannon Misertino and Luke Barrett for weekly monitoring of seven nest boxes for blue birds and tree swallows, keeping a data base of eggs laid, hatchlings hatched, and fledglings.

### **AUDIT PRESENTATION**

Donna Mollineaux, CMFO, QPA presented the audit of the current fund, balance sheet, tax collection rates and surplus.

### **CLERK'S REPORT**

Ms. Hrebenak stated that Resolution 2021-195 needs to be tabled for tonight.

Ms. Hrebenak stated that there is an application for the Fireman's Relief Association.

Mr. Hayes made a motion for Ms. Hrebenak to sign off on the application, which was seconded by Mrs. Mora Dillon.

Ayes: Mr. Hayes, Mrs. Mora Dillon, Mayor Watters

Nays: None

Absent: Mr. McGuinness, Mr. Farino

Abstain: None

Ms. Hrebenak stated that a request was received to vacate portions of Ridgewood Ave, Broad Street, and Ridge Street the same property owner is on both sides of the paper road and would like to have the portions of the roads that are in between his property vacated. If the Township Committee is interested this will need to be done by ordinance with a metes and bounds description of the portions of vacation.

The Committee agreed that an ordinance should be placed on the agenda once the metes and bounds is received.

### **FINANCE REPORT**

Mrs. Mollineaux stated that she has a couple of items to discuss in Executive Session.

### **EMPLOYEES' REPORTS**

Mrs. Fascinelli had no report.

### **ENGINEER'S REPORT**

Due to the Engineer's absence, a report was filed.

### **PUBLIC PORTION**

Mayor Watters opened the Public Portion for comments.

Heinz Sylvain, 701 Mount Bethel Road, spoke to the Township Committee in reference to the milling and paving that was done on Mount Bethel Road that cracked his driveway. Stone and millings were dumped on the property across the street on the neighbor's driveway. He's concerned the water pooling on his driveway will be a problem when it freezes in the winter. The Mayor stated the Township Engineer has inspected it and he is waiting for that report.

Nick Toscano, Route 57 Auto Salvage, asked why his license has not been issued. Mr. Lavery stated there have been three citations issued and a court date is scheduled for October 19, 2021.

Mayor Watters asked for further comment from the public; seeing none, Public Portion was closed.

**RESOLUTIONS**

RESOLUTION # 2021 –186  
REFUND OF A MAINTENANCE GUARANTEE  
(WALGREEN STORE # 9249)  
TOWNSHIP OF MANSFIELD  
WARREN COUNTY, STATE OF NEW JERSEY

**WHEREAS**, Eden Mansfield LLC issued a check dated 4/19/06 to the Township of Mansfield, County of Warren,

**WHEREAS**, there remains a balance of \$ 2,275.00 in the escrow account,

**NOW, THEREFORE, BE IT RESOLVED**, that the Township Finance Office be authorized to refund the amount of \$ 2,275.00 to Eden Mansfield, LLC.

RESOLUTION # 2021 –187  
REFUND OF A LAND USE BOARD APPLICATION  
TOWNSHIP OF MANSFIELD  
WARREN COUNTY, STATE OF NEW JERSEY

**WHEREAS**, Fox General Construction, LLC issued a check dated 10/18/19 to the Township of Mansfield, County of Warren,

**WHEREAS**, there remains a balance of \$ 1,970.00 in the escrow account,

**WHEREAS**, the Land Use Board Attorney has determined that the escrow balance can be refunded,

**NOW, THEREFORE, BE IT RESOLVED**, that the Township Finance Office be authorized to refund the amount of \$ 1,970.00 to Fox General Construction, LLC.

RESOLUTION # 2021 –188  
REFUND OF A LAND USE BOARD VARIANCE APPLICATION  
TOWNSHIP OF MANSFIELD  
WARREN COUNTY, STATE OF NEW JERSEY

**WHEREAS**, Green House Electric LLC issued a check dated 3/20/20 to the Township of Mansfield, County of Warren,

**WHEREAS**, there remains a balance of \$ 330.00 in the escrow account,

**WHEREAS**, the Land Use Board Attorney has determined that the escrow balance can be refunded,

**NOW, THEREFORE, BE IT RESOLVED**, that the Township Finance Office be authorized to refund the amount of \$ 330.00 to Green House Electric LLC.

**RESOLUTION 2021 –189**  
**TOWNSHIP OF MANSFIELD**  
**WARREN COUNTY, NEW JERSEY**  
**GRANTING WORKMAN'S COMPENSATION**

**WHEREAS**, the Township Committee of the Township of Mansfield finds and declares that Eleanor A. Russell is an employee of the Township of Mansfield; and

**WHEREAS**, the Township Committee further finds and declares that the employee is out of work on paid leave through Workman's Compensation as of August 15, 2021;

**NOW, THEREFORE, BE IT RESOLVED**, that the Township Committee of the Township of Mansfield does

hereby grant Workman's Compensation to Eleanor A. Russell, during the period of August 15, 2021 through February 28, 2022; and

**BE IT FURTHER RESOLVED**, that the Municipal Clerk be and is hereby directed to give a copy of this ratified resolution to the Township's CFO for reporting to the proper agencies.

**RESOLUTION # 2021-190**  
**TOWNSHIP OF MANSFIELD**  
**WARREN COUNTY, STATE OF NEW JERSEY**  
**ASSESSMENT ERROR TAX RECORD ADJUSTMENT**

**Whereas**, a review of the 2021 tax records by the Assessor has revealed an overstated assessment value for Block 401.02 Lot 30.01 also known as 791 Jackson Valley Road; and  
**Whereas** this overstated assessment has resulted in an overstated and incorrect tax billing by the Collector for 2021; and

**Whereas** correcting the overstated assessment will result in a cancellation of 2021 property taxes for this parcel in the amount of \$7,679.42; and

**Whereas** the restated assessment for 2021 may affect 2022 preliminary billing as shown on the tax records;

**NOW THEREFORE BE IT RESOLVED**, by the Township Committee of the Township of Mansfield this 13th day of October 2021 that the Tax Collector be directed to cancel 2021 property taxes in the amount of \$7,679.42 for this parcel. The Tax Collector is further directed to correct and adjust any associated tax records in order to proper reflect this cancellation as well as its effect on future billings.

**TOWNSHIP OF MANSFIELD**  
**COUNTY OF WARREN, STATE OF NEW JERSEY**  
**RESOLUTION 2021-191**

GOVERNING BODY CERTIFICATION OF THE ANNUAL AUDIT

**WHEREAS**, N.J.S.A. 40A:5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions, and

**WHEREAS**, the Annual Report of Audit for the year 2018 has been filed by a Registered Municipal Accountant with the Municipal Clerk pursuant to N.J.S.A. 40A:5-6, and a copy has been received by each member of the governing body; and,

**WHEREAS**, R.S. 52:27BB-34 authorizes the Local Financial Board of the State of New Jersey to prescribe reports pertaining to the local fiscal affairs; and,

**WHEREAS**, the Local Finance Board has promulgated N.J.A.C. 5:30-6.5, a regulation requiring that the governing body of each municipality shall by resolution certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled "Comments and Recommendations, and,

**WHEREAS**, the members of the governing body has personally reviewed as a minimum the Annual Report of Audit, and specifically the sections of the Annual Audit entitled "Comments and Recommendations, as evidenced by the group affidavit form of the governing body attached hereto; and,

**WHEREAS**, such resolution of certification shall be adopted by the Governing Body no later than forty-five days after the receipt of the annual audit, pursuant to N.J.A.C. 5:30-6.5; and,

**WHEREAS**, all members of the governing body have received and have familiarized themselves with,

at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board, and

**WHEREAS**, failure to comply with the regulations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52, to wit:

R.S. 52:27BB-52: A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office.

**NOW, THEREFORE BE IT RESOLVED**, That the Township Committee of the Township of Mansfield, hereby states that it has complied with N.J.A.C. 5:30-6.5 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

I, Dena Hrebenak, Municipal Clerk of the Township of Mansfield, Warren County, New Jersey do hereby certify the foregoing to be a true and exact copy of a resolution adopted by the Mansfield Township Committee at the Regular meeting held on October 13, 2021.

RESOLUTION # 2021 –192  
REFUND OF BID SECURITY  
TOWNSHIP OF MANSFIELD  
WARREN COUNTY, STATE OF NEW JERSEY

**WHEREAS**, Clearspan Fabric Structures, Inc. issued a check dated 7/14/2015 to the Township of Mansfield, County of Warren,

**WHEREAS**, there remains a balance of \$6,653.22 in the escrow account,

**NOW, THEREFORE, BE IT RESOLVED**, that the Township Finance Office be authorized to refund the amount of \$ 6,653.22 to Clearspan Fabric Structures, Inc.

**RESOLUTION # 2021- 193**  
**TO AUTHORIZE AND APPROVE A SALARY FOR AN EMPLOYEE**

**WHEREAS**, Ordinance Number 2020-14 established the salaries and wages for the employees of the Township of Mansfield, County of Warren,

**NOW, THEREFORE, BE IT RESOLVED**, by the Township Committee of the Township of Mansfield, County of Warren that the following named employee shall be compensated for the year 2021, unless otherwise noted, in the amount as designated below:

<u>NAME</u>	<u>POSITION</u>	<u>SALARY</u>
Kenneth Purdy	Mechanic/Laborer	\$ 55,393.00

**RESOLUTION # 2021-194**  
**TOWNSHIP OF MANSFIELD**  
**WARREN COUNTY, STATE OF NEW JERSEY**  
**REFUND OF OVERPAYMENT OF TAXES**

**WHEREAS**, the following properties have overpayments for 2021 which should be refunded:

Block / Lot	Quarter(s)	Amount	Payor	Reason
401.02 / 30.01 / -qfarm	1 and 2	\$99.13	CoreLogic	2021 Assessment reduced

601.03 / 62.08 / -qfarm	1 and 2	\$27.83	CoreLogic	2021 Assessment reduced
2901 / 1.05 / -qfarm	1 and 2	\$46.96	CoreLogic	2021 Assessment reduced
3203 / 12	1 and 2	\$40.00	CoreLogic	2021 Assessment reduced

**NOW THEREFORE BE IT RESOLVED**, by the Township Committee of the Township of Mansfield this 13<sup>th</sup> day of October, 2021 that the Tax Collector and Township Finance Office are hereby authorized to refund the tax overpayments to the vendor shown below as well as make any adjustments to the tax records as needed:

CORELOGIC Centralized Refunds  
 PO Box 9202  
 Coppell, TX 75019-9760

Tax Overpayments totaling **\$ 213.92**

Mr. Hayes made a motion to approve Resolutions 2021-186 – 2021-194, which was seconded by Mrs. Mora Dillon.

Ayes: Mr. Hayes, Mrs. Mora Dillon, Mayor Watters  
 Nays: None  
 Absent: Mr. McGuinness, Mr. Farino  
 Abstain: None

**ORDINANCE**

**First Reading**

**ORDINANCE NO. 2021-16**

**ORDINANCE OF THE TOWNSHIP OF MANSFIELD, COUNTY OF WARREN, STATE OF NEW JERSEY, TO AMEND AND REVISE CHAPTER 360 ENTITLED “ADMINISTRATION AND PROCEDURES” TO AMEND THE DEFINITIONS SECTION, CHAPTER 361 ENTITLED “DESIGN AND PERFORMANCE STANDARDS” TO AMEND SECTION 361-77(B), AND CHAPTER 363 ENTITLED “I INDUSTRIAL DISTRICT” TO DELETE SECTION 363-56(D) TO REMOVE WAREHOUSES AND DISTRIBUTION CENTERS.**

**WHEREAS**, the Township Committee of the Township of Mansfield wishes to amend the Township Code to remove warehouses and distribution centers as permitted uses.

**NOW THEREFORE BE IT ORDAINED** by the Township Committee of the Township of Mansfield, County of Warren, State of New Jersey that Chapter 360 entitled “Administration and Procedures,” Section 360-4, Chapter 361 entitled “Design and Performance Standards,” Section 361-77(B), and Chapter 363 entitled “I Industrial District,” Section 363-56(D) are amended and revised as follows:

**Section 1:**

Section 360-4 Definitions shall be amended to revise the definitions of the terms “Circulation” and “Floor Area, Total.”

Circulation

Systems, structures and physical improvements for the movement of people, goods, water, air, sewage, or power by such means as streets, highways, railways, waterways, towers, airways, pipes and conduits and the handling of people and goods by such means as terminals, stations, or transshipment points.

#### Floor Area, Total

The sum of the gross horizontal areas of the floor or floors of a building which are enclosed or usable for human occupancy or the conduct of business. Such area shall be measured between the outside face of exterior walls or from the center line of walls separating two uses. In residential structures, such areas shall not include garage space or accessory building space. In nonresidential structures, the gross floor area shall exclude areas used for utility and heating and cooling and other mechanical equipment, but shall include all other areas, including basements, and cellars, regardless of ceiling height.

#### **Section 2:**

Section 361-77(B) Non-Single Family Uses; Parking Requirements shall be amended to delete the following provisions:

<b>Use</b>	<b>Parking Space Required</b>	<b>Special Requirements, if any</b>
Furniture sales	F	

#### **Section 3:**

Section 363-56 Permitted Uses shall be amended to delete Subsection D.

#### **Section 4: Severability.**

Any article, section, paragraph, subsection, clause, or other provision of the Code of the Township of Mansfield inconsistent with the provision of this Ordinance is hereby repealed to the extent of such inconsistency.

#### **Section 5: Repealer.**

If any section, paragraph, subsection, clause, or provision of this Ordinance shall be adjudged by a court of competent jurisdiction to be invalid, such adjudication shall apply only to section, paragraph, subsection, clause, or provision so adjudged, and the remainder of this Ordinance shall be deemed valid and effective.

#### **Section 6: Effective Date.**

This Ordinance shall take effect after final passage and publication as provided by law.

Mr. Hayes made a motion to approve the first reading of Ordinance 2021-16, which was seconded by Mrs. Mora Dillon with a second reading at 7:30 pm on November 10, 2021.

Ayes: Mr. Hayes, Mrs. Mora Dillon, Mayor Watters

Nays: None

Absent: Mr. McGuinness, Mr. Farino

Abstain: None

### **EXECUTIVE SESSION**

Mayor Watters announced moving into Executive Session.

Mr. Lavery stated the Executive Session discussion will include:

- Contractual matter dealing with Engineering
- Contractual matter dealing with Janes Chapel Road
- Personnel matter dealing with Court
- Personnel matter dealing with Police
- Personnel matter dealing with the Clerk
- Contractual matter dealing with the solar proposal
- Contractual matter dealing with property auction

Mr. Hayes made a motion to go into Executive Session, which was seconded by Mrs. Mora Dillon

Ayes: Mr. Hayes, Mrs. Mora Dillon, Mayor Watters

Nays: None

Absent: Mr. McGuinness, Mr. Farino

Abstain: None

### **RETURN FROM EXECUTIVE SESSION**

Return from Executive Session at 9:44 pm.

Mr. Hayes made a motion to return to Regular Session, which was seconded by Mrs. Mora Dillon.

Roll Call: Mr. Hayes, Mrs. Mora Dillon, Mayor Watters

Mr. Lavery announced the return from Executive Session at 9:44 pm where they discussed:

- Contractual matter dealing with Engineering
- Contractual matter dealing with engineering of Janes Chapel Road
- Personnel matter dealing with Court
- Personnel matter dealing with Police
- Personnel matter dealing with the Clerk
- Contractual matter dealing with the solar proposal
- Contractual matter dealing with property auction

No official action was taken. Copies of these minutes will be available at such time the Committee determines there is no longer a harm to the public interest.

Mr. Lavery stated if the Committee is so inclined, we need a motion to authorize Ms. Hrebenak to accept the offer discussed in Executive Session in regards to the property auction.

Mr. Hayes made the motion to authorize Ms. Hrebenak to accept the offer discussed in Executive Session in regards to the property auction, which was seconded by Mrs. Mora Dillon.

Ayes: Mr. Hayes, Mrs. Mora Dillon, Mayor Watters  
Nays: None  
Absent: Mr. McGuinness, Mr. Farino  
Abstain: None

Mr. Lavery also stated if the Committee is so inclined, we need a motion to authorize an agreement with the Clerk for \$40,000.00 per year for an undetermined amount of time per annum for to serve on a part time basis.

Mr. Hayes made a motion to authorize an agreement with the Clerk, which was seconded by Mrs. Mora Dillon.

Ayes: Mr. Hayes, Mrs. Mora Dillon, Mayor Watters  
Nays: None  
Absent: Mr. McGuinness, Mr. Farino  
Abstain: None

Mr. Lavery stated a motion is needed to authorize the Clerk to release Executive Session minutes for 06/09, 06/23, 07/14, 07/28, and 08/11.

Mrs. Mora Dillon made a motion to authorize the release of Executive Session minutes, which was seconded by Mr. Hayes.

Ayes: Mr. Hayes, Mrs. Mora Dillon, Mayor Watters  
Nays: None  
Absent: Mr. McGuinness, Mr. Farino  
Abstain: None

## **First Reading**

**Mayor Watters presented Ordinance 2021-15 for introduction:**

### **ORDINANCE # 2021 –15**

#### **AN ORDINANCE TO PROVIDE FOR AND DETERMINE THE SALARIS AND WAGES FOR THE OFFICERS AND EMPLOYEES OF THE TOWNSHIP OF MANSFIELD AND THE METHOD OF PAYMENT OF SUCH SALARIES AND**

**BE IT ORDAINED, by the Township Committee of the Township of Mansfield, County of Warren, State of New Jersey as follows:**

**SECTION 1,** The salaries per annum of rates of compensation of the following officers and employees of the Township of Mansfield are determined to be as follows:

Part-Time Registered Municipal Clerk	\$ 0	\$ 40,000.00
Acting Municipal Clerk	\$ 40,000.00	\$ 90,000.00

Mr. Lavery stated the need to amend Salary Ordinance 2021-15 to include the position of Registered Municipal Clerk with the range of \$46,250 to \$86,000.

Mrs. Mora Dillon made a motion to approve the ordinance with the amendment, which was seconded by Mr. Hayes.

Ayes: Mr. Hayes, Mrs. Mora Dillon, Mayor Watters

Nays: None

Absent: Mr. McGuinness, Mr. Farino

Abstain: None

Mr. Hayes made a motion to adjourn at 9:49 pm which was carried by all.